



Dribusch Law Firm

December 28, 2023

Hon. Robert E. Littlefield, Jr.
United States Bankruptcy Court
James T. Foley Courthouse
445 Broadway
Albany, NY 12207

Re: Involuntary Bankruptcy Proceeding of Prime Capital Ventures, LLC
Case No. 23-11302

Dear Judge Littlefield;

I have further reviewed the issue on the interplay of 11 U.S.C. (“Bankruptcy Code”) 303(f) and (g). The guidance from the United States Trustee Handbook provides:

In an involuntary case, the period of time between the filing of the petition and the order for relief is known as the “gap” period. During the gap period, if the court has directed the appointment of an interim trustee, the interim trustee takes possession of the property of the estate and operates any business of the debtor. If there is a business to operate, the trustee must apply to the court for authority to operate the business and file operating reports as required by the United States Trustee and section 704(8).

Based upon the guidance, I am adopting the position articulated by the petitioning creditors at the last hearing that a Court Order directing appointment under Bankruptcy Code 303(g) is an “except to the extent the court orders otherwise” under Bankruptcy Code 303(f) such that my appointment would consist of the customary powers accorded a Chapter 7 Trustee under Bankruptcy Code Chapter 7, including the option to request authority to operate a debtor pursuant to Bankruptcy Code 704(8).

Respectfully yours,

/s/ Christian H. Dribusch
Christian H. Dribusch